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| 09/512,306 | 02/24/2000 | Toru Nakada | 00602 | 5237 |

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| EXAMINER |
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NALEVANKO, CHRISTOPHER R

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| ART UNIT | PAPER NUMBER |
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2611

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,306

Applicant(s)

NAKADA ET AL.

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thomas et al (5,666,645).

Regarding Claim 1, Thomas shows a program guide information producing apparatus for outputting self-produced program guide information (col. 5 lines 25-40, EPG database, fig. 1 item 70, feed generation to broadcasting stations, col. 10 lines 20-25, headends receiving EPG) and other broadcaster's common program guide information (col. 5 lines 60-67, col. 6 lines 1-10, common data for hundred of television stations), said program guide information producing apparatus comprising a common program guide information producing section which produces self-produced common program guide information (col. 6 lines 1-10, common data for hundred of television stations, col. 7 lines col. 7 lines 5-20, differences between EPG information generated, col. 8 lines 45-67, col. 9 lines 5-18, single composite edition).

Regarding Claim 2, Thomas shows a program guide information output section (fig. 1 item 70 feed generation) which unites said self-produced common program guide information with other broadcaster's common program guide information (col. 5 lines 60-

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67, EPG data for hundred of television stations, col. 9 lines 5-40, single composite edition), and outputs the united common program guide information (col. 9 lines 5-40, single composite edition).

Regarding Claim 3, Thomas shows a program guide information producing apparatus comprising a common program guide information storing section (fig. 1, EPG main database) which stores common program guide information corresponding to a designated time duration in advance (col. 6 lines 12-16, EPG database maintains time period, such as a day, col. 8 lines 55-60, time windows for edition to be generated, col. 12 lines 8-11, data airing for a week), said common program guide information being received from a program guide information collecting/transmitting apparatus or other broadcaster (col. 5 lines 50-55, EPG information from information providers, fig. 1 item 80).

Regarding Claim 4, Thomas shows a common program guide information storing section (fig. 1, EPG main database) which stores the other broadcaster's common program guide information corresponding to a designated time duration in advance ((col. 6 lines 12-16, EPG database maintains time period, such as a day, col. 8 lines 55-60, time windows for edition to be generated, col. 12 lines 8-11, data airing for a week).

Regarding Claim 5, Thomas shows an information producing apparatus for outputting produced program guide information and other broadcaster's information (col. 6 lines 1-10, common data for hundred of television stations, col. 7 lines col. 7 lines 5-20, differences between EPG information generated, col. 8 lines 45-67, col. 9 lines 5-18, single composite edition), the program guide information producing apparatus

comprising a self-produced information transmitting section which transmits information relating to broadcast time (col. 5 lines 30-34, context data relating to broadcast time and channel, col. 11 lines 45-55, feed for context data) of programs to a program guide information collecting/transmitting apparatus (col. 5 lines 25-40, EPG database, fig. 1 item 70, feed generation to broadcasting stations, col. 10 lines 20-25, headends receiving EPG).

Regarding Claim 11, Thomas shows an information producing apparatus for outputting produced program guide information and other broadcaster's information (col. 6 lines 1-10, common data for hundred of television stations, col. 7 lines col. 7 lines 5-20, differences between EPG information generated, col. 8 lines 45-67, col. 9 lines 5-18, single composite edition), the program guide information producing apparatus comprising a self-produced information checking section which obtains and checks self-produced information stored in a program guide information collecting/transmitting after said self-produced information is transmitted to said program guide information collecting/transmitting apparatus (col. 7 lines 5-20, checking for difference in EPG data, col. 7 lines 20-67, corrections subsystem for checking and making changes to received information, col. 8 lines 10-45, validation and checking system).

Regarding Claim 12, Thomas further shows a self-produced information checking section which obtains and checks self-produced information stored in a program guide information collecting/transmitting after said self-produced information is transmitted to said program guide information collecting/transmitting apparatus (col. 7 lines 5-20, checking for difference in EPG data, col. 7 lines 20-67, corrections subsystem for

checking and making changes to received information, col. 8 lines 10-45, validation and checking system).

Regarding Claim 13, Thomas shows a program guide information collecting/transmitting system (fig. 1) including a program guide information collecting/transmitting apparatus for transmitting program guide information to other broadcasters (fig. 1 item 70, feed generation, col. 10 lines 20-25, headends receiving EPG), wherein each broadcaster generates self-produced common program guide information and transmits the self-produced common program guide information to said program guide information collecting/transmitting apparatus (fig. Item 80, incoming streams, col. 5 lines 60-67, EPG data for hundreds of stations received), said program guide information collecting/transmitting apparatus transmits the received self-produced common program guide information of said each broadcaster to other broadcasters (fig. 1 item 70, feed generation, col. 10 lines 20-25, headends receiving EPG), and said other broadcasters receive the transmitted self-produced common program guide information of said each broadcaster as common program guide information produced by a different broadcaster (col. 6 lines 1-11, common information, col. 9 lines 5-35, single composite edition of common EPG data sent to multiple providers).

Regarding Claim 14, Thomas shows that the program guide information collecting/transmitting apparatus comprises a common program guide information storing section (col. 5 lines 50-67, ADC system collecting providers EPG data) which administrates the self-produced common program guide information transmitted from said each broadcaster (col. 5 lines 60-67, EPG data for hundreds of stations received).

Regarding Claim 15, Thomas shows that each broadcaster transmits the self-produced common program guide information corresponding to a designated time duration to said program guide information collecting/transmitting apparatus (col. 5 lines 25-50, storing data about when programs will be aired, col. 6 lines 12-16, EPG database maintains time period, such as a day, col. 8 lines 55-60, time windows for edition to be generated, col. 12 lines 8-11, data airing for a week), and said program guide information collecting/transmitting apparatus causes said common program guide information storing section to store the received self-produced common program guide information transmitted from said each broadcaster during said designated time duration (col. 5 lines 50-67, ADC system collecting and storing providers EPG data, col. 6 lines 12-16, EPG database maintains time period, such as a day, col. 8 lines 55-60, time windows for edition to be generated, col. 12 lines 8-11, data airing for a week).

Regarding Claim 16, Thomas shows a program guide information producing apparatus for outputting produced program guide information and other broadcaster's program guide information (col. 6 lines 1-10, common data for hundred of television stations, col. 7 lines col. 7 lines 5-20, differences between EPG information generated, col. 8 lines 45-67, col. 9 lines 5-18, single composite edition), said program guide information producing apparatus comprising: an inter-station self-produced information transmitting section which directly transmits self-produced information to other broadcasters (col. 5 lines 25-40, EPG database, fig. 1 item 70, feed generation to broadcasting stations, differences between EPG information generated, col. 8 lines 45-67, col. 9 lines 5-18, single composite edition), and an inter-station common program guide

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information receiving section which directly receives common program guide information from other broadcasters (col. 5 lines 50-67, ADC system collecting and storing providers EPG data).

Regarding Claim 17, the limitations of the claim have been addressed with regards to Claim 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (5,666,645).

Regarding Claim 6, Thomas shows an information producing apparatus for outputting produced program guide information and other broadcaster's information (col. 6 lines 1-10, common data for hundred of television stations, col. 7 lines col. 7 lines 5-20, differences between EPG information generated, col. 8 lines 45-67, col. 9 lines 5-18, single composite edition). Thomas also shows the ability to produce and store different editions or versions of EPG data (col. 6 lines 50-55, col. 8 lines 45-65, editions for different geographic locations and EPG providers). Thomas fails to specifically state using a version number to designate different version. Official Notice is given that it is

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well known and expected in the art to use a number to designate different versions or editions. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use version numbers to designate different version so that the system and operators would know what version to provide to what provider.

Regarding Claim 7, Thomas also shows the ability to produce and store different editions or versions of EPG data (col. 6 lines 50-55, col. 8 lines 45-65, editions for different geographic locations and EPG providers). Thomas fails to specifically state using a version number to designate different version. Official Notice is given that it is well known and expected in the art to use a number to designate different versions or editions. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use version numbers to designate different version so that the system and operators would know what version to provide to what provider.

Regarding Claim 8, Thomas shows an information producing apparatus for outputting produced program guide information and other broadcaster's information (col. 6 lines 1-10, common data for hundred of television stations, col. 7 lines col. 7 lines 5-20, differences between EPG information generated, col. 8 lines 45-67, col. 9 lines 5-18, single composite edition), the program guide information producing apparatus comprising a self-produced information transmitting section (col. 11 lines 20-25, data feed) which transmits control information prior to other information (col. 11 lines 22-45, transmitting control data on separate stream prior to EPG data, col. 13 lines 10-31, software data) when renewed self-produced information is sent to a program guide information collecting/transmitting apparatus (col. 12, lines 1-25, continuous stream of

data enabling the updating of data). Thomas fails to specifically state that the control data is used for recording. Official Notice is given that it is well known and expected in the art to include recording capabilities in control codes. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas with the ability to include recording capabilities into the control code so that the system could control the ability of a user to record or save a program.

Regarding Claim 9, Thomas further shows a self-produced information transmitting section (col. 11 lines 20-25, data feed) which transmits control information prior to other information (col. 11 lines 22-45, transmitting control data on separate stream prior to EPG data, col. 13 lines 10-31, software data) when renewed self-produced information is sent to a program guide information collecting/transmitting apparatus (col. 12, lines 1-25, continuous stream of data enabling the updating of data). Thomas fails to specifically state that the control data is used for recording. Official Notice is given that it is well known and expected in the art to include recording capabilities in control codes. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas with the ability to include recording capabilities into the control code so that the system could control the ability of a user to record or save a program.

Regarding Claim 10, Thomas further shows transmitting control data and EPG data on a more frequent basis to those programs currently airing that day (col. 12 lines 1-11).

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Regarding Claim 18, Thomas further shows transmitting control data and EPG data on a more frequent basis to those program currently airing that day (col. 12 lines 1-11).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kikinis U.S. Patent No. 6,490,725 discloses a transmitting notification of new video clips of interest from servers in wide area network.

Davis et al U.S. Patent No. 5,576,775 discloses a system and method for verification of electronic television program guide data.

Roop et al U.S. Patent No. 5,790,198 discloses a television schedule information transmission and utilization system and process.

Lemmons et al U.S. Patent No. 6,442,755 discloses an electronic program guide using markup language.

Naimpally U.S. Patent No. 6,020,880 discloses a method and apparatus for providing electronic program guide information from a single electronic program guide server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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